

## Message Text

CONFIDENTIAL

PAGE 01 COLOMB 04162 100643Z

11  
ACTION NEA-10

INFO OCT-01 ISO-00 DHA-02 L-03 IO-13 ORM-02 CIAE-00 INR-07

NSAE-00 /038 W  
----- 039774

R 100440Z NOV 76  
FM AMEMBASSY COLOMBO  
TO SECSTATE WASHDC 6138

C O N F I D E N T I A L COLOMBO 4162

E.O. 11652:GDS  
TAGS: SHUM, MASS, CE  
SUBJECT: CLEARANCE OF DRAFT HUMAN RIGHTS OBSERVANCE REPORT

REF: (A) STATE A-5143, (B) COLOMBO A-20, (C) COLOMBO 3444

1. SUMMARY: EMBASSY COLOMBO'S REVISIONS OF DRAFT  
HUMAN RIGHTS REPORT (REF A) ARE DETAILED BELOW AND INCLUDE SOME  
UPDATING BASED ON COURT CASE REPORTED REF. C. END SUMMARY.

2. IN SECTION I, SIXTH SENTENCE SHOULD READ QUOTE VERY  
SEVERE ECONOMIC PROBLEMS AS WELL AS TENSIONS BETWEEN THE  
COUNTRY'S TAMIL MINORITY AND THE SINHALESE MAJORITY  
HAVE ADDED TO THE STRAINS IN SRI LANKA'S POLITICAL SYSTEM  
UNQUOTE. IN EIGHTH SENTENCE SUBSTITUTE QUOTE SEPTEMBER  
1977 UNQUOTE FOR QUOTE MAY 1977 UNQUOTE (FYI--THE  
ASSEMBLY MUST LEGALLY BE DISOLVED BY MAY 1977 AND  
ELECTIONS HELD WITHIN FOUR MONTHS OF THAT DATE).

3. ADD FOLLOWING PARAGRAPH TO SECTION I: QUOTE THE  
LONG-STANDING PROBLEM OF ONE MILLION TAMILS OF RECENT  
INDIAN ANCESTRY LIVING IN SRI LANKA WITHOUT ANY CITIZENSHIP  
RIGHTS, IS GRADUALLY BEING RESOLVED BY AN INDO-SRI  
LANKAN PACT UNDER WHICH ALL THESE NOW STATELESS ARE  
TO BE GRANTED CITIZENSHIP, EITHER INDIAN OR SRI  
LANKAN, BY 1981. UNQUOTE.

4. IN PLACE OF LAST TWO SENTENCES IN SECTION III, ADD  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 COLOMB 04162 100643Z

FOLLOWING AFTER "DERIVED FROM PRESCRIBED LAW." QUOTE

THE CURRENT STATE OF EMERGENCY WAS DECLARED IN 1971 AT THE TIME OF THE INSURGENCY AND IS PROVIDED FOR IN THE PRESENT CONSTITUTION. IT HAS BEEN PERIODICALLY RENEWED EVER SINCE BUT HAS BEEN SUCCESSFULLY CHALLENGED RECENTLY IN THE COURTS, IN A DECISION NOW UNDER APPEAL T THE SUPREME COURT. UNQUOTE.

5. IN SECTION III.A. ARTICLE 5, WE SUGGEST THE ADDITION OF THE WORD QUOTE UNCONFIRMED UNQUOTE TO DESCRIBE REPORTS OF INSTANCES OF TORTURE.

6. IN SECTION III.A. ARTICLE 8, SUGGEST FOLLOWING WORDING: QUOTE THE JUDICIAL SYSTEM REMAINS RELATIVELY INDEPENDENT AND RESPECTED FOR ITS INTEGRITY. CEYLONSE CAN ADDRESS THEIR COMPLAINTS OF VIOLATIONS OF RIGHTS TO THE COURT AND IN MOST CASES OBTAIN AN EFFECTIVE REMEDY. JUDICIAL INDEPENDENCE WAS HIGHLIGHTED BY THE RECENT HIGH COURT DECISION IN WHICH A PANEL OF THREE JUDGES DELIVERED A CLEARLY ANTI-GOVERNMENT DECISION THAT THE EMERGENCY HAD BEEN IMPROPERLY RE-DECLARED AFTER THE NEW CONSTITUTION WAS PROMULGATED. THE CASE, WHICH INVOLVED TAMIL DISSIDENTS, SHOWED THAT EVEN ANTI-GOVERNMENT ACTIVISTS CAN RECEIVE A FAIR TRIAL WITHOUT GOVERNMENT INTERFERENCE. FOR SOME CASES INVOLVING NATIONAL SECURITY, PUBLIC ORDER, AND FOREIGN EXCHANGE VIOLATIONS, A SEPARATE TRIBUNAL--THE CRIMINAL JUSTICE COMMISSION--HAS BEEN CREATED. THIS TRIBUNAL IS AUTHORIZED TO FOREGO CERTAIN RULES OF PROCEDURE AND EVIDENCE NORMALLY APPLICABLE AND THE RIGHT OF APPEAL FROM ITS DECISION IS HIGHLY RESTRICTED; THIS COULD GIVE RISE TO CHARGES OF VIOLATIONS OF DUE PROCESS. UNQUOTE.

7. IN SECTION III.A. ARTICLE 9, WE SUGGEST SECOND SENTENCE READ QUOTE THOUGH RARE, THE GOVERNMENT HAS RESORTED TO IMPOSING INDEFINITE DETENTION UNDER EMERGENCY REGULATIONS ON TAMIL MILITANTS BEFORE EVENTUALLY CHARGES OR RELEASING THEM. UNQUOTE.

8. IN SECTION III.A. ARTILE 10, SECOND SENTENCE SHOULD CONFIDENTIAL

CONFIDENTIAL

PAGE 03      COLOMB 04162 100643Z

READ QUOTE SOME POLITICAL AND SECURITY CASES HAVE NOT BEEN ACCORDED DUE PROCESS THROUGH RECOURSE TO PROCEDURES AUTHORIZED UNDER EMERGENCY REGULATIONS. UNQUOTE.

9. IN SECTION III.A. ARTICLE 11, WE WOULD PREFER IT TO READ QUOTE THE COURTS NORMALLY PROVIDE A FAIR TRIAL. HOWEVER, IN SOME INSTANCES, THE GOVERNMENT HAS, UNDER

SPECIAL LEGISLATION, REACHED BEYOND THE NORMAL JUDICIAL SYSTEM AND CREATED A SPECIAL CRIMINAL JUSTICE COMMISSION TO TRY CASES INVOLVING NATIONAL SECURITY, PUBLIC SAFETY AND ORDER, AND ILLEGAL FOREIGN EXCHANGE TRANSACTIONS. UNQUOTE.

10. WITH THE ABOVE SUGGESTED REVISIONS INCLUDED, THE EMBASSY BELIEVES THIS DRAFT CONSTITUTES A FULL AND COMPLETE REPORT ON HUMAN RIGHTS OBSERVANCE IN SRI LANKA.  
REED

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** REPORTS, HUMAN RIGHTS, TEXT, INFORMATION CONTROL, AMENDMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 10 NOV 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** blochd0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976COLOMB04162  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D760418-0490  
**From:** COLOMBO  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19761164/aaaaccxn.tel  
**Line Count:** 125  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION NEA  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 76 STATE A-5143, 76 COLOMBO A-20, 76 COLOMBO 3444  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** blochd0  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 28 JUL 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <28 JUL 2004 by coburnhl>; APPROVED <22 OCT 2004 by blochd0>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CLEARANCE OF DRAFT HUMAN RIGHTS OBSERVANCE REPORT  
**TAGS:** SHUM, MASS, CE  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006